

Notice of Allowability

Application No.

10/805,844

Examiner

Hargobind S. Sawhney

Applicant(s)

DIGGLE ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on November 21, 2006.
2. ☒ The allowed claim(s) is/are 4-7 and 13-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/3/06 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. The amendment filed on November 21, 2005 has been entered. Accordingly:
 - Claims 4, 6, 7, 13 and 15 have been amended; and
 - Claims 1-3, 9-12 and 16-20 have been cancelled.
2. On February 3, 2006, the examiner and the attorney, Mr. Jim Patterson, had a telephone conversation, wherein the amended independent claim 8 was discussed. The examiner indicated that based on upgraded search, the amended claim 8 stays rejectable over Lott (US Patent No.: 5,636,918) in view of Weister (US Patent No.: 5,915,825). The examiner suggested that the amended claim should be cancelled in order to make the application in allowable condition.

In response, Mr. Patterson authorized an Examiner's amendment requiring cancellation of the amended independent claim 8.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jim Patterson on February 3, 2006.

Cancel the amended independent Claim 8.

Allowable Subject Matter

4. Claims 4-7 and 13-15 are allowed.

The prior art of record, including Lott (US Patent No.: 5,636,918), Weister (US Patent No.: 5,915,825) and Hsien (US Patent No.: 6,851,824 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a self powered-light retaining apparatus combining:

- A third aperture extending through at least a portion of an elongated molded body – interpreted as a one-piece elongated molded body-, which additionally includes a first aperture receiving a powered-light (lamp), and the second aperture for receiving a tool as recited in each of the independent claims 4 and 13; and
- The second aperture having threads engageable with complementary threads formed on the tool receivable in the second hole as recited in the independent claims 7 and 15; and
- The third aperture positioned below the second aperture recited in the amended independent claim 13;

The above-indicated combination, including an elongated molded body including a first aperture holding an independently powered light, a second aperture holding a tool, and a third aperture as detailed above, makes this disclosure unique.

Lott ('918) and Weister ('825) each discloses a powered-light retaining apparatus including a first aperture for holding a powered-light, a second aperture for holding a

tool. No third aperture positioned below the second aperture. Neither combined nor individual teaching of Lott ('918) and Weister ('825) discloses a independently powered light holder including a third aperture in addition to two apertures as detailed above.

Hsien ('824 B2) discloses a one –piece molding receiving a first and second self-powered lamps, and a third aperture removably receiving a tool. Additionally, the first and second lamps are irremovable. Thus, Hsein ('824 B2) does not meet the limitations of the amended independent claims 4, 7, 13 and 15.

Therefore, the amended independent claims 4, 7, 13 and 15 are allowed over prior art.

Claims 5 and 6 necessarily allowed because of its dependency on the allowed base Claim 4.

Claim 14 is necessarily allowed because of its dependency on the allowed base Claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

HSS

2/3/2006


ALI ALAVI
PRIMARY EXAMINER